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**OFFICE OF PETITIONS**

In re Application of  
Brasemann  
Application No. 09/687,230  
Filed: October 13, 2000  
Attorney Docket No. ONXY 1027-DIV

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 28, 2002, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to file a proper reply within three months to the final Office action mailed December 18, 2001. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on March 19, 2002. A Notice of Abandonment was mailed on August 26, 2002.

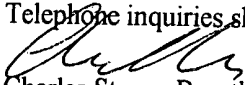
The Notice of Appeal filed October 28, 2002, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief, in triplicate, accompanied by the fee required by law, runs from the date of this decision.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$920.00 extension of time fee submitted with the petition on October 28, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will not be charged to petitioner's deposit account.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The file is now being forwarded to Technology Center 1600.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

  
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